

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

DR. JOE L. REED,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:07-CV-190-WKW
)	
GOVERNOR BOB RILEY, in his official capacity, and ELTON DEAN, in his official capacity as Chair of the Board of Trustees of Alabama State University,)	Removed from the Circuit Court of Montgomery County, Alabama Case No. 03-CV-2007-900076.00
)	
Defendants.)	

DEFENDANTS' NOTICE OF INTENT TO FILE REPLY BRIEF

COME NOW Defendants Governor Bob Riley and Elton Dean (collectively “the Defendants”), by and through their respective counsel of record, and give notice to this Honorable Court that they intend to file a reply to the brief submitted yesterday by Plaintiff Reed (Doc. 22). In his submission, Plaintiff Reed presumptuously asserts that both of the parties’ motions are now “ready to be taken under submission” because he “will not be filing a separate brief” opposing the Defendants’ Motion to Dismiss First Amended Complaint. See Doc. 22, p. 1. If Plaintiff Reed’s position is taken as true, this would foreclose the Defendants from filing a reply brief in support of their dispositive motion, which they are entitled to do in accordance with the Court’s Briefing Order (Doc. 10). Whatever Plaintiff Reed chooses to call the brief he filed yesterday, it is clearly responsive to the Defendants’ arguments supporting their Motion to Dismiss First Amended Complaint. Thus, pursuant to the Court’s Briefing Order, the

Defendants intend to file their reply brief on or before July 12, 2007, which is 14 days from the date on which Plaintiff Reed's most recent brief was filed.¹

Submitted this 29th day of June 2007.

Respectfully submitted,

/s/ Kenneth D. Wallis, II
Kenneth D. Wallis, II (WAL064)
Chief Legal Advisor
Office of the Governor

/s/ Scott L. Rouse
Scott L. Rouse (ROU010)
Deputy Legal Advisor
Office of the Governor

ADDRESS OF COUNSEL:

Office of the Governor
State Capitol, Suite NB-05
600 Dexter Avenue
Montgomery, Alabama 36130
(334) 242-7120 Phone
(334) 242-2335 Fax

/s/ Kenneth L. Thomas
Kenneth L. Thomas (THO043)
Attorney for Defendant Elton Dean

/s/ Christopher K. Whitehead
Christopher K. Whitehead (WHI105)
Attorney for Defendant Elton Dean

ADDRESS OF COUNSEL:

Thomas, Means, Gillis & Seay, P.C.
P. O. Drawer 5058
Montgomery , AL 36103-5058
(334) 270-1033 Phone
(334) 260-9396 Fax

¹ To the extent this Court might agree with Plaintiff Reed's implicit assertion that the Defendants have no reason or right to submit a reply brief in this case, they hereby make a motion that the Court grant them leave to submit a reply brief on or before July 12, 2007.

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following attorneys:

J. Cecil Gardner, Esq.
M. Vance McCrary, Esq.
James H. Anderson, Esq.
John B. Crawley, Esq.

/s/ Scott L. Rouse
Scott L. Rouse (ROU010)
Deputy Legal Advisor
Office of the Governor

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Office of the Governor
State Capitol, Suite NB-05
600 Dexter Avenue
Montgomery, Alabama 36130
(334) 242-7120 Phone
(334) 242-2335 Fax